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Other Voices

Student official stymied discussion

OPINION

KRISTIN LYNCH

GUEST COLUMNIST

If you've read my columns before, you should know by now that I take my role as the token gay person on The Gazette's editorial board very seriously. Indeed, lately it seems like barely a week goes by without my championing some portion of the GLBT agenda in these pages. I'd like to write about other things, but when you live in as quixotic a city as Colorado Springs, you can't help but be inspired, and overwhelmed, really, by the endless amount of column fodder provided by the conservative right. This city is practically the equivalent of a gay writer's muse.

Which brings me to today's column. Once again, I find myself defending the civil rights and liberties of GLBT individuals in Colorado Springs from the closed-minded and discriminatory views of many who surround us.

Something of a battle has been brewing on the UCCS campus in the past couple weeks. A GLBT student organization called Spectrum applied for funding from the Student Government Association (SGA) for its annual campus observance of National Coming Out Day. While the legislative branch of the SGA unanimously approved the bid for funds, the executive, in student body president David Williams, refused his signature, citing "personal views, beliefs and convictions." Williams was careful not to veto the resolution either, which allowed funding to ultimately be available to Spectrum after a short delay.

The student body president of a public university does not have the right to impose his ideological views when deciding which clubs are worthy of receiving monies from an activity fee fund to which all students contribute.

The Supreme Court clearly outlined this principle in a 2000 case involving the University of Wisconsin. There, a group of students filed suit against the university, arguing that their First Amendment rights were violated by having to pay student fees that could potentially be allocated to clubs whose agenda and views they personally opposed. However, the court permitted such mandatory student fees, so long as they were used "to facilitate the free and open exchange of extracurricular student speech, where the university's mission is served by providing students with the means to engage in dynamic extracurricular discussions."

To protect the First Amendment rights of students, however, the Supreme Court mandated that the allocation of such funds must be done in a "viewpoint neutral" manner. Indeed, the UCCS SGA constitution is consistent with this tenet, stating, "The SGA shall practice viewpoint neutrality in all funding decisions."

As with much Supreme Court language, the concept of "viewpoint neutrality" is ambiguous at best, but the court defined it pretty well in a 1995 case involving the University of Virginia that also merits comparison. There, a student organization that published a newspaper espousing religious views was denied funding from the university's Student Activity Fund on the grounds that the newspaper was a "religious activity."

The Supreme Court ruled that this was unconstitutional, and in the process outlined an important distinction between what it termed "content discrimination" and "viewpoint discrimination":

"In determining whether the State is acting to preserve the limits of the forum it has created ... we have observed a distinction between ... content discrimination, which may be permissible if it preserves the purposes of that limited forum, and ... viewpoint discrimination, which is presumed impermissible when directed against speech otherwise within the forum's limitations."

Extrapolated to the UCCS scenario, this would seem to indicate that if Spectrum's request for funding met every required guideline, and Williams did not grant his approval purely because of his ideological opposition to the club's views and agenda, he is actively participating in "viewpoint discrimination."

As Justice Anthony Kennedy summarized in the Wisconsin case, "when a University requires its students to pay fees to support the extracurricular speech of other students, all in the interest of open discussion, it may not prefer some viewpoints to others."

When Williams, in his capacity of student body president and an agent of the university, stated in an email, "I do not approve this proposal, and I will never support Spectrum or their agenda. I have personally seen what this message and lifestyle can do, and I want nothing to with it," he was clearly preferring some viewpoints to others.

This act of suppression is a very real threat to the ultimate purpose of a public university, whose educational mission is closely intertwined to the discussion and expression of a wide spectrum (pun intended) of views. It is also symptomatic of a political trend in which elected officials are increasingly seeing it as their duty to govern according to their personal and ideological values, regardless of what that means for the rights of their constituents — sound familiar?

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Other Voices

'Day without gays' raised awareness

OPINION

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Imagine a world with no male hairdressers or personal trainers. A barren landscape void of Elton, Ellen, and Rosie. A place where every girls softball, basketball, and field hockey team was cut in half and Hanes was forced to discontinue the manufacturing of its ribbed white cotton tank-tops made famous by Eminem because of overwhelmingly poor sales.

Such would be the stark, disappointing, and downright boring backdrop of a world without gays (yes, I am stereotyping; insert chuckle here). And, thanks to the first-ever "Day Without a Gay," on Dec. 10, this imaginary place came to somewhat of a reality as gay, lesbian, bisexual and transgendered individuals across the country called in "gay" (as opposed to sick) to work, school and other such commitments — and donated their time instead to volunteer service.

Drawing upon 2006's mildly successful "Day Without an Immigrant" protest (who knew, as Joel Stein points out, that Mexican immigrants would be giving gays tips on staging a splashy event?), this nationwide strike was designed to draw attention to the usurpation of human rights that the passing of Proposition 8 entailed for the GLBT community — and all others, for that matter, who favor equal rights and equal treatment under the law.

GLBT individuals and allies were also encouraged to avoid spending any money or supporting the economy in any way, in order to emphasize their economic importance. With conservative estimates of the "pink dollar" hovering at more than $700 million annually, it's not difficult to recognize what an enormous economic weapon the GLBT community weilds.

While it was challenging to predict how popular this "Day" would be, me and three other gay people I know in Colorado Springs were planning to participate. That represented 100 percent of the gay people I know in this city, and based on this tiny sampling, my expectations were understandably high.

Further inflating my hopes, Facebook, that behemoth beholder of all things trendy, showed more than 150,000 confirmed participants on the "Day Without a Gay" Facebook page (if that means nothing to you, please step out of the cave and into the 21st century — or just ask your kid).

Thankfully, my hopes weren't dashed completely. While most news accounts describe participation as "spotty" at best, the real point behind all of the shenanigans was to raise awareness about Prop. 8 and the gay rights movement. Toward that end, the "Day" was a success by many accounts: most major media outlets covered the story; the five GLBT-support centers along the Front Range each promoted the event with a modestly successful food drive; in Colorado Springs, a handful of activists protested outside City Hall; and yours truly donned a homemade "INVISIBLE" T-shirt and took a personal activist day that mostly consisted of shredding some gnarly powder and refraining from my grande pumpkin spice Starbucks latte.

In your own world, you might have noticed that Henry, the computer tech wiz who sports a bow tie, wasnt available to fix your Outlook freeze. And Stacy was conspicuously absent when you stopped by her cubicle for your daily coffee break. And Kelly wasn't there when you visited the water cooler looking to discuss the third-place finalist of "The Biggest Loser."

An increasing number of polls have shown that knowing a gay person has a significant effect on the way people vote. It makes them much more receptive to the idea of gay rights. When you have a personal stake in the issue, you tend to see it from a completely different angle; it's not surprising that people who have GLBT friends are much more likely to support legislation that entitles said friends to rights such as marriage.

And maybe that's where the most important part of this "Day" lies — in allowing people to quietly come out and stand for what they believe in, without really coming "out." GLBT individuals comprise a significant portion of our community and are an integral component of the fabric of our everyday life. Their absence is strikingly noticeable.

Perhaps when you realize that gay people are not just the "others" and something to be feared, but rather, the Henrys, Stacys, Kellys and Kristins of the world — aka your colleagues, friends and family members — it might be easier to recognize that they are entitled to all of the same rights, benefits and privileges that you are afforded (and oftentimes take for granted) under the Constitution.

Equal rights — what a concept, huh? I know it's far-fetched, but hey ... you can't take away my right to dream, right?

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